



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,419	12/30/1999	EDWARD B. EYCHISON	SONY-50M2430	7826

7590 07/14/2005

WAGNER MURABITO & HALO LLP
TWO NORTH MARKET STREET THIRD FLOOR
SAN JOSE, CA 95113

EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/476,419

Applicant(s)

EYITCHISON, EDWARD B.

Examiner

Douglas B. Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 4/25/2005, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.
2. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

3. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2142

5. Claims 1, 3-9, 11-17, and 19-42 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,848,104 to Van Ee et al..

6. As to claim 1, Van Ee teaches a method of operating a plurality of types of consumer electronic devices interconnected to form a network (col. 7, lines 23-46), said method comprising: configuring a resource manager of said network with an access policy during network initialization wherein said access policy dictates a condition under which a particular service request is permissible to a user (col. 6, lines 50-67); receiving a service request indicating an identity of a user (col. 6, lines 50-67); based on said identity, said resource manager determining whether said service request violates said access policy (col. 6, lines 50-67); provided said service request is permissible, said resource manager determining whether resources of said network necessary for carrying out said service request are available (col. 11, line 31-col. 12, line 24); and provided said resources necessary for carrying out said service request are available, said resource manager transmitting control signals to said network causing said plurality of types of consumer electronic devices to carry out said service request (col. 11, line 31-col. 12, line 24).

7. As to claim 3, Van Ee teaches a method as recited in Claim 1 further comprising the step of maintaining a record of activities of said user (col. 6, lines 12-35).

8. As to claim 4, Van Ee teaches a method as recited in Claim 3 wherein said determining whether said service request violates said access policy comprises the step of retrieving said record of activities of said user from a log database provided said access policy is dependent on user activities (col. 6, lines 12-35).

Art Unit: 2142

9. As to claim 5, Van Ee teaches a method as recited in Claim 1 further comprising: communicating user identification information of said user to said server; authenticating said user identification information; and provided said user identification information is unauthenticated, denying said user access to resources of said network (col. 6, lines 50-67).
10. As to claim 6, Van Ee teaches a method as described in Claim 5 wherein said resources comprise hard resources and soft resources, and wherein said hard resources comprise said plurality of types of consumer electronic devices and wherein said soft resources comprise content information accessible by said plurality of types of consumer electronic devices (col. 23, lines 13-34).
11. As to claim 7, Van Ee teaches a method as recited in Claim 6 wherein said determining whether resources of said network necessary for carrying out said service request are available comprises the step of accessing a resource pool, wherein said resource pool contains information regarding availability of said hard resources (col. 11, line 31-col. 12, line 24).
12. As to claim 8, Van Ee teaches a method as recited in Claim 1 wherein said access policy is stored in a policy database accessible by said resource manager (col. 6, lines 12-35).
13. As to claims 9 and 11-16, they feature the same limitations as claims 1 and 3-8 are rejected on the same basis as claims 1 and 3-8.
14. As to claims 17 and 19-23, they feature the same limitations as claims 1 and 3-7 and are rejected on the same basis as claims 1 and 3-7.
15. As to claim 24, Van Ee teaches a method of operating a network comprising consumer electronics devices, comprising the acts of: receiving a request from a user of the network, wherein the request comprises a request for output of a media content item without the user

Art Unit: 2142

specifying a source providing the media content item to the network and without the user specifying an electronic device of the network for the output (col. 23, lines 13-34, the user just selects a button and therefore does not specify a source or output device.); and outputting the media content item if the user is permitted to receive the media content item (col. 6, lines 50-67) and if an electronic device of the network is available to output the media content item (col. 11, line 31-col. 12, line 24)

16. As to claim 25, Van Ee teaches the method of claim 24, wherein the network comprises a home network comprising consumer electronic devices (col. 7, lines 23-46).

17. As to claim 26, Van Ee teaches the method of claim 24, wherein the request comprises a request for the output at a particular location (col. 6, lines 50-67).

18. As to claim 27, Van Ee teaches the method of claim 24, wherein the media content item comprises audio and video (col. 6, lines 50-67).

19. As to claim 28-32, Van Ee teaches a system that is capable of supporting multiple users (col. 11, lines 31-61).

20. As to claim 41, Van Ee teaches the method of claim 24, wherein the network comprises a plurality of devices capable of acting as a source for the media content (col. 6, lines 50-67).

21. As to claims 33-40 and 42, they feature the same limitations as claims 24-32 and 41 and are rejected for the same reasons as claims 24-32 and 41.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2142

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 2, 10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,848,104 to Van Ee et al. in view of U.S. Patent Number 6,826,624 to Fell Jr..

24. As to claim 2, Van Ee teaches the method of claim 1 including determining when a service request violates an access policy (col. 6, lines 50-67); however Van Ee does not explicitly teach act of sending a failure message to a user.

Fell teaches sending a failure message when service request violates an access policy (col. 7, lines 41-49).

It would have been obvious at to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teaching of Van Ee regarding the management of consumer electronic devices with the teachings of Fell regarding a failure message because a failure message allows a user to know that there is a problem.

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2142

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair
July 11, 2005

DBB



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER